

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Tonia Scott

Write the full name of each plaintiff.

17 CV 1682
(Include case number if one has been assigned)

-against-

Pine Ridge Community Association

COMPLAINT

Do you want a jury trial?

☐ Yes ☒ No

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

RECEIVED
SDNY DOCKET UNIT
2017 MAR -7 AM 10:25

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☐ Federal Question

☒ Diversity of Citizenship

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, Tonia' Scott, is a ^{Domicile in} ~~citizen of~~ the State of

(Plaintiff's name)

New York
(State in which the person resides and intends to remain.)
Domicile

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, _____, is a citizen of the State of _____
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of _____.

If the defendant is a corporation:

The defendant, PINE RIDGE COMM ASS is incorporated under the laws of the State of PENNSYLVANIA

and has its principal place of business in the State of PENNSYLVANIA
or is incorporated under the laws of (foreign state) _____

and has its principal place of business in _____.

If more than one defendant is named in the complaint, attach additional pages providing information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

TONIA' — SCOTT
First Name Middle Initial Last Name

1735 MADISON AVENUE, #13E
Street Address

New York, NY, NY 10029
County, City State Zip Code

570-460-1912
Telephone Number

ENTISE42@YAHOO.COM
Email Address (if available)

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1: PINE Ridge Community Association
 First Name Last Name
Company
 Current Job Title (or other identifying information)
4770 PINE RIDGE DRIVE
 Current Work Address (or other address where defendant may be served)
PIKE, Bushkill, Pennsylvania 18324
 County, City State Zip Code

Defendant 2: Joseph Peritore
 First Name Last Name
PRESIDENT
 Current Job Title (or other identifying information)
4770 PINE RIDGE DRIVE
 Current Work Address (or other address where defendant may be served)
PIKE, Bushkill, Pennsylvania 18324
 County, City State Zip Code

Defendant 3: Theresa Elliott
 First Name Last Name
VICE - PRESIDENT
 Current Job Title (or other identifying information)
4770 PINE RIDGE DRIVE
 Current Work Address (or other address where defendant may be served)
PIKE, Bushkill, Pennsylvania 18324
 County, City State Zip Code

Defendant 4: KAREN Siegel
First Name Last Name
Treasurer
Current Job Title (or other identifying information)
4770 PINE RIDGE DRIVE
Current Work Address (or other address where defendant may be served)
Pike, Bushkill, Pennsylvania 18324
County, City State Zip Code

III. STATEMENT OF CLAIM

Place(s) of occurrence: Please See Attachment

Date(s) of occurrence: _____

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

Attachment

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Aschment

IV. RELIEF

State briefly what money damages or other relief you want the court to order.

Aschment

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

March 01, 2017
 Dated

Tonia Scott
 Plaintiff's Signature

Tonia - Scott
 First Name Middle Initial Last Name

1735 Madison Ave., #13E
 Street Address

New York, NY NY 10029
 County, City State Zip Code

(570) 460-1912 entise42@yahoo.com
 Telephone Number Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

1. On February 1, 2017, Plaintiff, Tonia' Scott filed her Declaration of Ownership Affidavit in accordance to her Aboriginal Title and the United Nations Declaration on the Rights of Indigenous People for Pine Ridge, Lehman Township, Bushkill, Pennsylvania; with the Pike County recorder of deeds. Defendant, Pine Ridge Community Association was informed of Plaintiff's filing on February 08, 2017; Plaintiff conversed with Defendant's property manager, Alexandria and faxed to her Plaintiff's recorded Declaration of Ownership Affidavit. **See Exhibit A and See Exhibit B**

2. Defendant address of business operations is 4770 Pine Ridge Drive

Bushkill, Pennsylvania.

3. Defendant personal and rental dwellings:

PRESIDENT: Joseph William Peritore	150 SCHOONOVER COURT BUSHKILL, PENNSYLVANIA LT 108 STG 8 PINE RIDGE
TREASURER: Karen Lynn. Siegel	1595 PINE RIDGE BUSHKILL, PENNSYLVANIA LT 103 SEC 8 PINE RIDGE
	114 CHESTNUT LANE BUSHKILL, PENNSYLVANIA LT 103 STG 8 PINE RIDGE
VICE PRESIDENT: Theresa M. Elliott	1606 PINE RIDGE BUSHKILL, PENNSYLVANIA LT 220 STAGE 6 PINE RIDGE

4. Plaintiff, Tonia' Scott was later informed by Defendant's property manager that a meeting was scheduled on February 15, 2017 to discuss Plaintiff's

proposition of partaking a lot leasing agreement with the multitude of Pine Ridge dwellers. On February 16, 2017, Plaintiff was informed by Defendant's property manager that Plaintiff's offer of a lot lease agreement with the Pine Ridge dwellers would not be considered nor conveyed to the current dwellers of Pine Ridge . Plaintiff, Tonia' Scott offered the defendant a lot lease agreement in which the Pine Ridge dwellers would compensate Plaintiff \$300 per month for land usage per lot.

5. Enlighten of Defendant's refusal to accept Plaintiff's contract, Plaintiff seeks an ejectment of Defendant and various 3rd party trespassers (several John Doe (s) and Jane Doe (s) employed by the Defendant and/ or domiciled on Plaintiff's land.

Outline of Facts

6. Plaintiff, Tonia Scott is an Aboriginal/ Indigenous/ Native American Indian woman within the meaning of the description of the **Draft Declaration of the Inter-American Declaration of the Rights of Indigenous Peoples at Article 1 Definition:**

"In this Declaration Indigenous Peoples are those who embody historical continuity with societies which existed prior to the conquest and settlement of their territories by Europeans..." ***See Exhibit C***

7. According to the **Congressional House Resolution 331**; Congress has acknowledged that Plaintiff, Tonia Scott direct "bloodline" ancestors developed the political system that formed the original thirteen colonies into one republic and that their principles were incorporated into the United States Constitution. The same United States Constitution that contracts the sovereignty of the United States Corporation and its colonists- agents, representatives and officers from the Indigenous American people.
8. Plaintiff, Tonia Scott has NO CONTRACT with any state or county agency or company.

Federal Jurisdiction

9. In **Oneida Indian Nation v. County of Oneida, 414 U.S. 661, 669 (1974)**, the Supreme Court opinion in **Oneida Indian Nation v. County of Oneida**, supra, "The Oneida court acknowledged that fee title to the lands claimed *by* the Oneidas lay in the state or private ownership. **Id. at 670.** See also **United States v. Boylan, 265 Fed. 165, 173 (2d Cir.1920)**, which was a suit to eject private parties from restricted aboriginal lands of the Oneida Nation. Since the Passamaquoddy claim lies within the boundaries of the thirteen original states, the pre-emptive fee lay initially in the state; i.e. the Commonwealth of Massachusetts.

Nevertheless, federal law still governs the alienation of the Indian interest.

10. Finally, the 1974 Supreme Court opinion in **Oneida Indian Nation v. County of Oneida**, supra,. While not offering a detailed examination of the scope of Indian title, it nevertheless reasserts the importance of such title in its lengthy citation to *Walapai Tribe* (414 U.S. at 668-69), and in its holding that an ejectment or damages action founded in aboriginal Indian title raises an issue of federal law sufficient to support federal question jurisdiction in federal court. That case also reaffirmed the holding in *Walapai Tribe* that there need be no formal federal recognition of the Indian right of occupancy in order for it to be protected from third-party trespass. *Id.*

Argument in Support of Ejectment

11. PLAINTIFF petitions to have Defendant, Pine Ridge Community Association and various 3rd party trespassers (several John Doe (s) and Jane Doe (s)), ejected from Plaintiff's property commonly known as Pine Ridge, Lehman Township, Bushkill, Pennsylvania; due to Defendant's refusal to contract a land lease agreement and to provide financial compensation for land usage to the owner, Plaintiff.

12. Plaintiff validates the following in support of her ejectment:

- I. The Supreme Court has relied on the right to exclude others as the basis for recognition of constitutional property interests in land.

College Savings Bank v. Florida Prepaid Postsecondary Educ.

Expense Bd., 527 U.S. 666, 673 (1999) (“[t]he hallmark of a protected property interest [in the constitutional sense] is the right to exclude others.”). It has long been the law that Indians holding land under aboriginal title may maintain an ejectment action against trespassers. **Marsh v. Brooks, 49 U.S. 223, 232 (1850)** (the right of ejectment “is not open to question”); see also, **Oneida Indian Nation v. County of Oneida, 470 U.S. 226 (1985)** (Indian nations may maintain trespass actions for violations of their land rights).

- II. In **Johnson v. McIntosh (1823)**, “The Court guarantee the occupants protection from intrusion.” **Id. at 1371-72**
- III. “That an action for ejectment could be maintained on an Indian right to occupancy and use, is not open to question”. Citing **Johnson v. McIntosh (1823)**, **supra. Id. at 232.**
- IV. “Indeed, in light of this precedent, it is clear that any activity on Indian lands conducted without the consent of the beneficial Indian owners’ amounts to actionable trespass”. **Mitchel v United States (1835)**, **supra, 34 U.S. 746; Oneida Indian Nation v. County of Oneida supra, 414 U.S at 668-69**
- V. **Edwardsen v. Morton, 369 F. Supp. 1359 CD.D.C. (1973)**, the

Arctic Slope trespass case, the district judge concluded," any third parties coming onto the *land* without consent of those rightfully in possession are mere trespassers." **Id. at 1371.**

VI. Perhaps the first case to treat the issue of third-party trespass was **Marsh v. Brooks, 49 U.S. 223 (1850)**. There it was held that an action for ejectment could be brought to secure the Indian right of occupancy, they could not disturb the occupants under the Indian title.

Damages and Relief

13. Plaintiff wishes to recoup from Defendant for all rents, issues and profits derived from the leasing, renting or use of the lands beginning from February 1, 2017 until ejectment; at a rate of \$75,000 (Seventy- Five Thousand Dollars) per month with 10% interest for Defendants' personal and professional land usage, which includes private/ personal, office operations and amenities. Defendant amenities consist of a large clubhouse, oversize pool and PINE RIDGE COMMUNITY MAPLE LAKE.

http://www.pineridgecommunity.net/amenities_main.asp

PIKE CAD
MILFORD PROFESSIONAL PARK
10 BUIST ROAD SUITE 101
MILFORD, PA 18337-9901

Mail Date: 04/29/2016

Tonia Scott
4110 Winchester Way
Bushkill, PA 18324-6917



pennsylvania
DEPARTMENT OF HUMAN SERVICES

OFFICE OF INCOME MAINTENANCE

Record ID: [REDACTED]

Telephone: 1-866-287-9181

Notice ID: [REDACTED]

COMPASS: The fast and easy way to apply for benefits

www.compass.state.pa.us

Pennsylvania receives information from other state and federal agencies to verify the information you give them. If you misrepresent, hide, or withhold facts which may affect your eligibility for benefits, you may be required to repay your benefits, and you may be prosecuted and disqualified from receiving certain future benefits.

Dear Ms. Scott,

Ms. Scott, this letter is to confirm your request of your demographic information. The race listed for you is Native American. If you have any other questions, you can call the statewide center at 877-395-8930.



Record ID: [REDACTED]

Mail Date: 04/29/2016

Page 1 of 2

PA162

Exhibit A



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON: D.C. 20240

28 1976 SEP

Memorandum

To: Lawrence A. Aschenbrenner, Assistant Solicitor
Division of Indian Affairs

From: Tim Vollmann, Attorney *Tim Vollmann*
Division of Indian Affairs

Subject: The Nature of Aboriginal Indian Title

In essence, the claim of the Passamaquoddy Indian Tribe is one for aboriginal Indian title. The subject most recently received treatment by the Supreme Court in Oneida Indian Nation v. County of Oneida, 414 U.S. 661 (1974). There the court stated:

"It very early became accepted doctrine in this Court that although fee title to the lands occupied by Indians when the colonists arrived became vested in the sovereign--first the discovering European nation and later the original States and the United States--a right of occupancy in the Indian tribes was nevertheless recognized. That right, sometimes called Indian title and good against all but the sovereign, could be terminated only by sovereign act. Once the United States was organized and the Constitution adopted, these tribal rights to Indian lands became the exclusive province of the federal law. Indian title, recognized to be only a right of occupancy, was extinguishable only by the United States." Id. at 667.



Exhibit B

DECLARATION OF OWNERSHIP AFFIDAVIT

I, Tonia' Scott, being first duly subscribed and sworn under oath, state that I am the owner of real property commonly known as Pine Ridge, Bushkill, Pennsylvania, which said property is located in the unincorporated census-designated place of Lehman Township, Bushkill, Pennsylvania, more particularly described as:

Map Coordinates:	Latitude: 41.150833 41.1402	Longitude: -74.99 -74.986
	41.13135	-75.00129
	41.1466332431681	-74.99482575447934
	41.15669	-74.99067
	41.1309° N	74.9916° W

My ownership of this property is evidenced from inheritance and in accordance to **Aboriginal title** and **original Indian title**. Legal precedence illustrates the following:

1. As an Indigenous American Indian woman, I have Aboriginal title to my ancestral land of North America/ Turtle Island.
2. **Aboriginal title** is a common law doctrine that the land rights of indigenous peoples to customary tenure persist after the assumption of sovereignty under settler colonialism. All jurisdictions are in agreement that aboriginal title is inalienable, except to the national government, and that it may be held either individually or collectively. Aboriginal title is also referred to as **Indigenous title, native title and original Indian title**
 - a. "Non- Indian bodies have no authority to title land, only to pay

Exhibit C

Compensation". **United States v. Alcea Band of Tillamooks**

- b. Consider, also, these words of Justice Mansfield in *Oneida*:
"This right of occupancy which the Indians retain until validly extinguished has been variously termed aboriginal title, unrecognized title, original Indian title, or simply *Indian title*."
- c. **Worcester v. Georgia, 31 U.S. 515 (1832)**, the Supreme Court called Indian nations "the undisputed possessors of the soil, from time immemorial". It also held that the Indians "were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and to use it according to their own- discretion"
- d. **United States v. Cook, 86 U.S. 591 (1874)**, the court held: "This right of use' and occupancy by the Indians is unlimited. They may exercise it at their discretion". Id. at 593.
- e. **United States v. Cook**, supra, (2) "Indians are the equivalent of life tenants on their lands"
- f. In **Johnson v. McIntosh**, "The Court guarantee the occupants protection from intrusion." Id. at 1371-72
- g. **Edwardsen v. Morton, 369 F. Supp. 1359 CD. D.C. (1973)**, **United States v. Klamath and Moadoc Tribes**, supra, which took a similarly expansive view of Indian title right of occupancy as it existed prior to any treaty.
- h. In **Minnesota v Hitchcock, 185 U.S. 373 (1902)**," the court acknowledged that confessedly the fee of the land was in the United States (North America), subject to a right of occupancy by the

Indians". Id. at 388-89.

- i. **Cramer v. United States (1923)** was the first Supreme Court decision to acknowledge the doctrine of individual aboriginal title, not held in common by tribes.

3. The United States of America is a charter member of the United Nations. A United Nations resolution (UN resolution) is a formal text adopted by a United Nations (UN) body. The **United Nations Declaration on the Rights of Indigenous People**, signed by United States President Barak Obama is a legally binding United Nations General Assembly Resolution, General Assembly Resolutions have the same weight as full-fledged sources of international law:

- a. *"In this Declaration Indigenous Peoples are those who Embody historical continuity with societies which existed prior to the conquest and settlement of their territories by Europeans..."*
- b. Indigenous peoples **HAVE THE RIGHT TO THE LANDS**, territories and RESOURCES which they have traditionally owned, occupied or otherwise USED OR ACQUIRED- Article 26 (1)
- c. Indigenous peoples **HAVE THE RIGHT TO OWN**, USE, develop and control the LANDS, territories and RESOURCES that they possess by reason of traditional ownership or other traditional occupation or use. AS WELL AS THOSE WHICH THEY HAVE OTHERWISE ACQUIRED. -Article 26 (2)

Instrument Book Page
201700001002 OR 2516 529

Dated this 01 day of OCT, 2016.



Owner's Signature

NOTARY ACKNOWLEDGEMENT

201700001002
Filed for Record in
PIKE COUNTY, PA
SHARON SCHROEDER
02-01-2017 At 10:49 am.
AFFIDAVIT 54.00
OR Book 2516 Page 526 - 529

EXECUTED this day 01 of OCTOBER, 2016.

STATE OF NEW YORK

COUNTY OF NEW YORK

On this day, personally appeared before me, TRINA SCOTT, to me known to be the person(s) described in and who executed the within instrument, and acknowledged that he/she signed the same as his/her voluntary act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal hereto affixed on this day of OCT 01, 2016.

Notary's Public Signature: 

My commission expires 09-10-2018.

HENRY CALDERON
Notary Public, State of New York
No. 01CA6043709
Qualified in New York County
Commission Expires 09-10-2018

Pennsylvania Land Records



Home | Select Registry | Help | Support | About the Registry | Register | Login



Print Search Results

Search Results for Pike, PA

Search
Documents From: 01/01/1930 To: 02/01/2017

Type
Search Types:

Name:

Format is Lastname Firstname - example:

Smith John

As:

Registry Types:

Search all Registry Types

MISCELLANEOUS

POWER OF ATTORNEY

CLEAN&GREEN

FINANCIAL STATEMENTS

SATISFACTION

MAPS

MORTGAGES

Recorded Date:

From

To

Search

Results Per Page

Document Details:

Number	File Date		Inst. Date
201700001002	2/1/2017 10:49:00AM		10/1/2016
Type	Liber	Page	# of Pages
(AFFIDAVIT)	002516	0526	4

Series	Name
Grantor	<u>SCOTT TONIA</u>
Grantee	<u>SCOTT TONIA</u>

Location

LEHMAN TWP

Remarks	SEE RECORD
---------	------------

[Quick Document Viewer](#) - (This option is not recommended for printing.)

[View/Save Printable Document](#) - (Requires TIFF PlugIn) [Click Here](#) for Printing/TIFF Plug-In Instructions.

[Download the Document Pages](#) (Requires TIFF Viewer) [Click Here](#) for Instructions.

PRESS FIRMLY TO SEAL

PRESS FIRMLY TO SEAL



1005



10007

U.S. POSTAGE
PAID
NEW YORK, NY
10035
MAR 03, 17
AMOUNT
\$6.65
R2304E106388-08

PRIORITY® ★ MAIL ★



DATE OF DELIVERY SPECIFIED*



USPS TRACKING™ INCLUDED*



INSURANCE INCLUDED*



PICKUP AVAILABLE

* Domestic only



WHEN USED INTERNATIONALLY,
A CUSTOMS DECLARATION
LABEL MAY BE REQUIRED.

Expected Delivery Day: 03/04/2017

USPS TRACKING NUMBER



FROM:

TONIA SCOTT
1735 MADISON AVENUE #135
New York, New York 10029

TO:

United States District Court
Southern District of New York
PRO SE Office Room 200
500 Pearl Street
New York, New York 10007

RECEIVED
SDNY DOCKET UNIT
2017 MAR -7 AM 10:20



This envelope is made from post-consumer waste. Please recycle - again.

kaging is the property of the U.S. Postal Service® and is provided solely for use in sending Priority Mail® shipments. Misuse may be a violation of federal law. This packaging is not for resale. EP14F © U.S. Postal Service; July 2013; All rights reserved.